

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

QUINCY C. VAUGHN,

Plaintiff,

VS.

THOMAS GULLETT, et al.,

Defendants.

Case No. 4:19-CV-02566 JAR

## MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's pro se motions to compel (Doc. Nos. 133, 137), motion for extension of time (Doc. No. 142), and motion for reconsideration (Doc. No. 145).

## First motion to compel

Plaintiff seeks to compel Defendants to produce the entire chapter of Missouri Statutes Chapter 217 and the entirety of the Missouri Rules of Civil Procedure. In its Order of July 28, 2021, the Court denied Plaintiff's previous motion to compel Defendants to produce these materials as such discovery is not proportional to the needs of this case and unduly burdensome. The Court also noted these materials are not in the possession, custody or control of Defendants and are available to all parties online. (Doc. No. 127). Plaintiff's renewed request for these materials will be denied.

Plaintiff also seeks to compel production of Defendant Pacheco's answers to his interrogatories. The Missouri Attorney General's Office has withdrawn as counsel for Defendant Pacheco (Doc. Nos. 112, 123) and is no longer in communication with him for purposes of securing his responses to Plaintiff's outstanding discovery requests. In its Order granting counsel's motion to withdraw, the Court warned that Pacheco's failure to comply with case deadlines and the Federal

Rules could cause the Court to impose sanctions or rule on unopposed motions. To date, Pacheco has not contacted the Court asking for time to secure a new attorney or respond to discovery. The Court will grant Plaintiff's motion to compel in this regard and order Pacheco to respond to Plaintiff's interrogatories.

### **Second motion to compel**

In his second motion to compel, Plaintiff asks the Court to compel prison staff to locate his legal materials and deliver them to him. Because this is not the proper subject of a discovery motion under the Federal Rules of Civil Procedure, Plaintiff's motion will be denied.

### **Motion for extension to time**

Pursuant to the Amended Case Management Order, the deadline for completion of discovery in this case was August 23, 2021 and dispositive motions must be filed no later than September 22, 2021. (Doc. No. 93). As a result of Plaintiff's recent transfer from the Eastern Reception Diagnostic and Correctional Center in Bonne Terre, Missouri to the Southeast Correctional Center in Charleston, Missouri, he has not yet gained access to his legal materials and thus was unable to comply with the August 23 deadline. He requests an extension of time to complete his discovery. Given his current circumstances, the Court will grant Plaintiff a forty-five-day extension.

### **Motion for reconsideration**

Lastly, Plaintiff moves the Court to reconsider its July 28, 2001 order denying his latest request for appointment of counsel. (Doc. No. 127). The Court finds nothing in the record to cause it to reconsider its previous orders denying appointment of counsel. As set out in the Court's prior orders, the appointment of counsel for an indigent pro se plaintiff lies within the discretion of the Court, as there is no constitutional or statutory right to appointed counsel in civil cases. Phillips v.

Jasper County Jail, 437 F.3d 791, 794 (8th Cir. 2006) (citation omitted). Plaintiff states he has no legal training, but this does not distinguish him from most of the inmates who file federal lawsuits in this Court. Regardless, Plaintiff has consistently demonstrated his understanding of the relevant legal questions at issue as evidenced by his filings. Again, this action appears to involve straightforward questions of fact regarding a single incident, and Plaintiff appears able to present and investigate his claim and file pleadings and disclosures according to the Federal Rules of Civil Procedure. Plaintiff's motion for reconsideration will be denied.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's first motion to compel [133] is **GRANTED in part**. Defendant Pacheco shall, **no later than Monday, October 11, 2021**, respond to Plaintiff's first set of interrogatories. **Pacheco's failure to comply with this Order may result in the imposition of sanctions against him.** In all other respects Plaintiff's motion is **DENIED**.


**IT IS FURTHER ORDERED** that Plaintiff's second motion to compel [137] is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff's motion for extension of time [142] is **GRANTED**. Plaintiff shall have **forty-five (45) days from the date of this Order** to complete his discovery in this case.

**IT IS FURTHER ORDERED** that Plaintiff's motion for reconsideration [145] is **DENIED**.

**IT IS FINALLY ORDERED** that the Clerk of Court shall mail a copy of this Order to Defendant Travis Pacheco at his last known address.

Dated this 27th day of August, 2021.

  
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**JOHN A. ROSS**  
**UNITED STATES DISTRICT JUDGE**